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10/091,067	03/04/2002	Anders Vinberg	063170.6875	8007
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER LEE, PHILIP C	
			ART UNIT 2152	PAPER NUMBER
			NOTIFICATION DATE 12/20/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/091,067

Applicant(s)

VINBERG, ANDERS

Examiner

Philip C. Lee

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13,15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13,15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/19/07, 9/6/07, 7/10/07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

1. This action is responsive to the amendment and remarks filed on October 5, 2007.
2. Claims 1, 3-11, 13, 15 and 17-24 are presented for examination, claims 2, 12, 14 and 16 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

*Claim Rejections - 35 USC 101*

4. Claim 13 is rejected under 35 U.S.C. 101 because "A system for generating an audio alert and processing an audio command" does not include any functional structure of a system (i.e. apparatus). An apparatus without any functional structure can be considered as program per se, which is not one of the categories of statutory subject matter.

*Claim Rejections - 35 USC 103*

5. Claims 1, 4, 13, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al, U.S. Patent 5,367,670 (hereinafter Ward) and Lewis et al, U.S. Patent 6,603,396 (hereinafter Lewis) in view of Lohmann II et al, U.S. Patent 5,745,692 (hereinafter Lohmann).

6. Ward and Lewis were cited in the previous office action.

7. As per claims 1, 13 and 15, Ward teaches the invention substantially as claimed comprising:

detecting an alert condition identifying a problem with a system component (col. 5, lines 15-20);

determining a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition (col. 5, lines 21-27), the object being stored in an object repository (col. 4, lines 8-13; col. 12, lines 12-20);

constructing an audio notification message based on at least one parameter associated with the alert condition (col. 5, lines 21-32; col. 7, lines 56-57; col. 9, lines 11-14; col. 12, lines 34-64); and

outputting the audio notification message via the notification path (col. 7, lines 25-57; col. 12, lines 62-64).

8. Ward does not teach filtering alert condition. Lewis teaches filtering alert condition to determine a notification path associated with the alert condition (col. 6, lines 40-49; col. 6, line 63-col. 7, line 34).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Lewis because Lewis's teaching

would allow Ward's system to filter irrelevant alarms in order to maximize performance and reliability of the system (col. 7, lines 59-65).

10. Ward and Lewis do not teach an audio command. Lohmann teaches a similar invention comprising: receiving an audio command (col. 2, lines 7-8; col. 5, lines 44-46; col. 6, lines 4-9); processing the audio command to derive command data (col. 2, lines 8-9; col. 6, lines 4-12); constructing a command based on the command data (col. 2, lines 8-9; col. 9, lines 40-42); and storing the command in the object repository (col. 2, lines 6-12; col. 9, lines 17-27, 43-45) (stores and processes the command).

11. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, and Lohmann because Lohmann's teaching of audio command would increase the capability of Ward's and Lewis's system by allowing a system administrator respond to the alert message via voice commands (col. 1, lines 22-26; col. 4, lines 58-61).

12. As per claim 4, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Ward further teach wherein detecting an alert condition includes detecting an alert condition within a plurality of subsystems of a network management application (col. 7, lines 19-24).

13. As per claim 20, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Lohmann further teach constructing an additional audio notification message if the audio notification message is not responded to within a designated time limit (abstract; col. 1, lines 52-61).

14. Claims 9, 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Lohmann in view of Cote et al, U.S. Patent 6,021,262 (hereinafter Cote).

15. Cote was cited in the previous office action.

16. As per claim 9, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Although Ward teaches wherein the determining the notification path includes analyzing a parameter associated with the alert condition and selecting the notification path based on the parameter (col. 5, lines 33-45; col. 7, lines 19-27); and the audio notification message is output via the notification path (col. 7, lines 25-57), however, Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because

Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

18. As per claim 17, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches comprising a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28); and identifying the occurrence of a prior alert condition that was not responded to, the multi-tier notification path being determined based at least in part on the occurrence of the prior alert condition (col. 7, lines 19-27).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

20. As per claim 21, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach constructing an additional audio notification if the alert condition is not addressed within a time limit. Cote teaches comprising

constructing an additional audio notification message if the alert condition is not addressed within a designated time limit (col. 7, lines 17-27).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

22. As per claim 22, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Although Ward teaches the audio notification is output via the notification path (col. 7, lines 25-57), however Ward, Lewis, and Lohmann do not teach multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28); and filtering the notification message such that at least one user on the multi-tiered notification path does not receive the notification message (col. 7, lines 19-27) (i.e. the manager (notification path) does not receive the notification message).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's,



Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

24. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Lohmann in view of Fischer, U.S. Patent 4,881,197 (hereinafter Fischer).

25. Fischer was cited in the last office action.

26. As per claim 5, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis and Lohmann do not teach defining audio characteristics. Fischer teaches defining audio characteristics associated with the audio notification message (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Fischer because Fischer's teaching of defining audio characteristics would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing a user with a flexible and efficient mechanism for simultaneously utilizing the highlighting features distinctive to each particular device on which the document or message is displayed or produced (col. 4, lines 3-7).

28. As per claim 6, Ward, Lewis, Lohmann and Fischer teach the invention substantially as claimed in claim 5 above. Fischer further teach wherein the audio characteristic is a volume (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Fischer for the same reason set forth in claim 5 above.

30. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Sabourin et al, U.S. Patent 6,037,099 (hereinafter Sabourin).

31. Sabourin was cited in the last office action.

32. As per claim 3, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach identifying a portion of the message that is likely to be difficult to understand. Sabourin teaches wherein constructing an audio notification message includes identifying a portion of the message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym (col. 10, line 60-col. 11, lines 8).

33. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Sabourin because

Sabourin's teaching of identifying a portion of the message that is likely to be difficult to understand would increase the alertness in Ward's, Lewis's and Lohmann's systems by allowing the system to find and replace words that tend to cause high confusability (col. 10, line 60-col. 11, line 8).

34. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Lohmann in view of Miller et al, U.S. Patent 6,421,707 (hereinafter Miller).

35. Miller was cited in the last office action.

36. As per claim 8, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach the audio message presented in accordance with a filter. Miller teaches wherein the audio messages presented in accordance with a filter (col. 6, lines 30-40).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Miller because Miller's teaching of audio messages presented in accordance with a filter would increase the user's flexibility in Ward's, Lewis's and Lohmann's systems by allowing a user to determine how individual or groups of messages are handled, depending upon characteristics of the messages themselves (col. 6, lines 31-33).

38. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Goldberg et al, U.S. Patent 6,161,082 (hereinafter Goldberg).

39. Goldberg was cited in the last office action.

40. As per claim 11, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach audio message based on language preference. Goldberg teaches wherein constructing the audio notification message includes:

determining a user associated with the audio notification message (col. 3, lines 34-56; col. 5, lines 22-24);

determining a language preference associated with the user (col. 3, lines 34-56; col. 5, lines 1-13, 25-34; col. 6, lines 27-28); and

constructing the audio message based on the language preference (col. 3, lines 34-56; col. 6, lines 34-38).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Goldberg because Goldberg's teaching of audio message based on the language preference would increase the functionality of Ward's, Lewis's, and Lohmann's systems by providing supports to multiple user and to translate communication inputs that are received in any of a wide variety of languages into communication outputs that are transmitted in any of a wide variety of languages (col. 2, lines 45-50).

42. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, Lohmann and Fischer in view of “Official Notice”.

43. As per claim 7, Ward, Lewis, Lohmann and Fischer teach the invention substantially as claimed in claim 5 above. Ward, Lewis, Lohmann and Fischer do not specifically detailing different audio characteristics. “Official Notice” is taken for the concept of a balance as an audio characteristic is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include balance as an audio characteristic because by doing so would increase the user’s flexibility by allowing a user to include any type of audio characteristics as a design choice.

44. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Cote and further in view of Carleton, U.S. Patent Application Publication 2001/0044840 (hereinafter Carleton).

45. Carleton was cited in the last office action.

46. As per claim 10, Ward, Lewis, Lohmann and Cote teach the invention substantially as claimed in claim 9 above. Ward, Lewis, Lohmann and Cote do not teach an escalation list. Carleton teaches wherein determining the notification path includes analyzing an escalation list (page 1, paragraph 9; page 3, paragraph 53).

47. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann, Cote and Carleton because Carleton's teaching of escalation list would increase the alertness of their systems by providing a mechanism by which a problem can receive increasing levels of attention to expedite and assure proper remediation (page 1, paragraph 9).

48. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Cote, and further in view of Jones et al, U. S. Patent Application Publication 2004/0210469 (hereinafter Jones).

49. Jones was cited in the last office action.

50. As per claims 18 and 19, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28).

51. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's,

Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

52. Ward, Lewis, Lohmann, and Cote do not teach assigning the level of responsibility based upon the severity. Jones teaches assigning the level of responsibility to each of the one or more user based upon the severity of the alert condition (page 2, paragraphs 29 and 33; page 9, paragraph 119).

53. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann, Cote and Jones because Jones's teaching of assigning the level of responsibility based upon the severity would increase the flexibility of their systems by controlling which management level or personnel will receive the alerting message based on the escalation level (page 3, paragraph 45).

54. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, Lohmann, Cote and in view of Lawson et al, U. S. Patent 6,185,613 (hereinafter Lawson).

55. Lawson was cited in the last office action.

56. As per claim 23, Ward, Lewis, Lohmann and Cote teach the invention substantially as claimed in claim 22 above. Ward, Lewis, Lohmann and Cote do not teach filtering based on a property associated with an object associated with the alert condition. Lawson teaches

comprising filtering the notification message based on a property associated with an object associated with the alert condition (col. 5, lines 35-53).

57. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann, Cote and Lawson because Lawson's teaching of filtering based on a property associated with an object associated with the alert condition would increase the efficiency of their system by allowing a event consumer to prevent notification of irrelevant event (col. 5, lines 35-37).

58. As per claim 24, Ward, Lewis, Lohmann, Cote and Lawson teach the invention substantially as claimed in claim 23 above. Although Lawson teaches wherein the property is selected from the group consisting of a type of the object (col. 5, lines 35-53), a name of the object (col. 10, lines 33-37), a location of the object (col. 5, lines 35-53), the time of day (col. 16, lines 34-35), and any of the information available in the packet (col. 24, lines 36-41), however, Ward, Lewis, Lohmann, Cote and Lawson do not specifically teach the severity of the alert condition, a level of risk, and an importance assigned to the object. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different type of property such as severity, level of risk and importance of the object because by doing so it would increase the field of use in their system.

59. Applicant's arguments with respect to claims 1, 3-11, 13, 15 and 17-24, filed 10/05/07, have been fully considered but they are not persuasive.



60. In the remarks, applicant argued that:

(1) While claim 13 is directed to a system, to the extent that claim 13 is directed to software, it is statutory.

(2) Ward-Lewis-Lohmann combination fails to teach filtering the alert condition to determine a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition, the object being stored in an object repository; and outputting the audio notification message via the notification path.

(3) examiner has not provided the requisite teaching, suggestion, or motivation, either in the cited references or in the knowledge general available to one of ordinary skill in the art at the time of Applicant's invention to modify or combine Ward, Lewis, and Lohmann.

(4) examiner did not respond to portions of the argument in the previous response.

(5) Ward-Lewis-Lohmann-Cote-Jones combination fails to teach the notification path comprises a multi-tiered notification path, each tier of the multi-tiered notification path identifying one or more users assigned a level of responsibility with respect to the alert condition; and the method further comprises assigning the level of responsibility to each of the one or more users based upon a type of object associated with the alert condition.

(6) claim 7 is not well-known in the art and request a reference in support of the "Official Notice".

61. In response to point (1), although processes (e.g., a process/ a method) are considered as statutory subject matter, however, "A system" as claimed in claim 13 appears to be directed to a machine (i.e., system) not processes of a method. Therefore, it is lacking the necessary structural/mechanical element to be a system (i.e. hardware) as claim appears to be directed to solely to processes/software processes. Claim 13 fails to fall within a statutory category of invention.

62. In response to point (2), Ward teaches comprising: determining a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition (col. 5, lines 21-27), the object being stored in an object repository (col. 4, lines 8-13; col. 12, lines 12-20); and outputting the audio notification message via the notification path (col. 7, lines 25-57; col. 12, lines 62-64). Specifically, Ward teaches the path (i.e., notification path) may be one of four paths shown in figure 2, depending on characteristic (property) of a system component (object) associated with an alert (col. 5, lines 9-27). Ward further teach the four path shown in figure 2 include an in-band alert directed to the local network manager console 36 (col. 7, lines 29-33), an out-of-band alert by sending a protocol message to the system manager facility 34, dialing a phone number associated with a pager 56 ,and by dialing a phone number to phone 58 associated with a person

(col. 7, lines 50-57). Ward does not teach filtering alert condition. Lewis teaches filtering alert condition to determine a notification path associated with the alert condition (col. 6, lines 40-49; col. 6, line 63-col. 7, line 34). Therefore, the combination of Ward-Lewis-Lohmann teaches filtering the alert condition to determine a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition, the object being stored in an object repository; and outputting the audio notification message via the notification path.

63. In response to point (3), as stated in the rejection of claim 1 above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Lewis because Lewis's teaching would allow Ward's system to filter irrelevant alarms in order to maximize performance and reliability of the system (col. 7, lines 59-65). Specifically, Lewis teaching of filtering out and discarding irrelevant alarms would the performance and reliability of only relevant alarm being passed. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Using the teaching of Lewis, one of ordinary skill in the art can modify Ward's system by programming Ward's system to filter irrelevant alerts, hence the performance of reporting failure and the reliability of indicating a potential failure would improve in Ward's system. In response to applicant's argument that the

examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Similarly, as stated above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, and Lohmann because Lohmann's teaching of audio command would increase the capability of Ward's and Lewis's system by allowing a system administrator respond to the alert message via voice commands (col. 1, lines 22-26; col. 4, lines 58-61). Using Lohmann's teaching of audio command, a user such as an administrator in Ward's and Lewis's systems would be capable of giving voice instruction in response to potential failure. Furthermore, one of ordinary skill in the art can modify the systems of Ward and Lewis by incorporating the software (programming) or hardware to implement the features of audio command.

64. In response to point (4), as stated on page 16 of the previous office action, applicant's arguments are moot in view of new grounds of rejection.

65. In response to point (5), Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility

with respect to the alert condition (col. 7, lines 19-28). Ward, Lewis, Lohmann, and Cote do not teach assigning the level of responsibility based upon the severity. Jones teaches assigning the level of responsibility to each of the one or more user based upon the severity of the alert condition (i.e., type of object associated with the alert condition) (page 2, paragraphs 29 and 33; page 9, paragraph 119).

66. In response to point (6), applicant's argument was already considered and addressed to on page 17 of the office action mailed on 8/29/06. A list of references supporting the "Official Notice" was provided on page 17 of the office action mailed on 8/29/06.

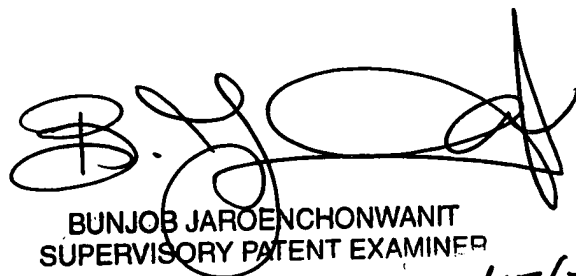
67. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by

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telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER  
12/17/7